

1 REMARKS

2 Status of the Claims

3 Claims 21-50 are now pending in the application, Claims 1-20 having been previously
4 cancelled, and Claims 21, 30, and 36 having been previously amended to more clearly define what is
5 considered patentable.

6 Summary of Telephone Interview

7 Applicants' attorney conducted a telephone interview with Examiner Choudhury on
8 April 18, 2006. During the interview, applicants' attorney first directed Examiner Choudhury's attention
9 to his rejection of Claims 21-50 over Doyle in view of Held, and in particular, to his assertion that column
10 10, line 14 through column 20, line 37 of Held teaches a registration database, which the Examiner
11 interpreted as corresponding to applicants' recited "loader identifier". Applicants' attorney directed
12 Examiner Choudhury's attention to page 13, line 27 of applicants' specification, which defines a loader ID
13 as a generic interface for data exchange. The Examiner then acknowledged that a "loader identification"
14 as recited by applicants is not the same as the registration database taught by the Held reference, and
15 suggested applicants' attorney provide a response to the outstanding Office Action that includes reference
16 to this and other portions of applicants' specification so as to clearly indicate this distinction. Examiner
17 Choudhury then suggested that applicants' attorney consider amending the phrase "loader identification"
18 in the claim language to further clarify the distinction, but indicated that the suggested arguments alone
19 may be insufficient to advance the matter to allowance, since the Examiner expected that further
20 searching might turn up a reference showing an equivalent of applicants' recited loader identification.
21 However, the Examiner agreed to reconsider the application and perform a new search based on
22 applicants' response.

23 Applicants' attorney then suggested a clarifying amendment regarding applicants' recitation of a
24 "service container." The Examiner stated that the proposed clarifying amendment was insufficient to
25 change the Examiner's position regarding his interpretation of a "service container," in light of the Held
26 reference. It was then agreed that applicants would submit a response to the outstanding Office Action
27 for reconsideration based on the issues discussed, and the interview was concluded.

28 Applicants' attorney would like to thank Examiner Choudhury for his willingness to discuss the
29 prior art in connection with Claim 21 (and in regard to corresponding elements of the other independent
30 claims). While no decision regarding the patentability of the claims was reached during the interview, it

1 is clear that the prosecution was advanced by the discussion, and it is hoped that any further issues that
2 may remain can readily be resolved during another telephone discussion.

3 Claims Rejected under 35 U.S.C. § 103(a)

4 The Examiner has rejected Claims 21-50 as being anticipated by Doyle et al. (U.S. Patent
5 No. 5,838,906, hereinafter referred to as "Doyle") in view of Held et al. (U.S. Patent No. 5,802,367
6 hereinafter referred to as "Held"). The Examiner asserts that both Doyle and Held teach systems allowing
7 one program to call upon another program to perform an operation on a piece of data. The Examiner
8 concludes that it would have been obvious to one skilled in the art, at the time of the invention, to have
9 combined the teachings of Doyle with those of Held, to provide a method for transparently executing
10 code using a surrogate process (Held, column 3, line 67 – column 4, line 1). Applicants respectfully
11 disagree that Claims 21-50 are unpatentable over Doyle in view of Held.

12 In the interest of reducing the complexity of the issues for the Examiner to consider in this
13 response, the following discussion focuses on independent Claims 21, 30, 36 and 50. The patentability of
14 each remaining dependent claim is not addressed in detail; however, applicants' decision not to discuss
15 the differences between the cited art and each dependent claim should not be considered as an admission
16 that such dependent claims are not patentable over the cited references. Similarly, applicants' decision
17 not to discuss differences between the prior art and every claim element, or every comment made by the
18 Examiner, should not be considered as an admission that applicants concur with the Examiner's
19 interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent
20 claims patentably distinguish over the references cited. However, a specific traverse of the rejection of
21 each dependent claim is not required, since dependent claims are patentable for at least the same reasons
22 as the independent claims from which the dependent claims ultimately depend.

23 The Examiner asserts in the Response to Remarks section of the last Office Action that
24 column 10, line 14 to column 20, line 37 of Held teaches multiple surrogate processes. The Examiner
25 further asserts that an instance of a surrogate process is equivalent to a service container, and that a
26 registration database in equivalent to a loader identification, as recited by applicants' Claim 21. However,
27 a loader identification is not the same as a registration database. Applicants' specification defines a loader
28 identification at page 13, line 27 as follows. "The loader ID 365 is a generic interface that can be re-used
29 for any type of data exchange." Furthermore, applicants' specification further defines a loader at page 20,
30 line 1 as a "software mechanism used to load data from a specific type of storage medium." Clearly, a

1 "loader identification" as recited by applicants' Claim 21 is not the same as a registration database
2 according to the Held reference. For at least this reason, applicants assert that neither Doyle nor Held,
3 either individually or read together, disclose or suggest a loader identification as recited by applicants'
4 Claim 21, and therefore, do not teach each and every element recited in Claim 21. Accordingly, the
5 rejection of Claim 21 should be withdrawn. Claims 22-29 depend from independent Claim 21 and
6 are also patentable for at least the reasons discussed above.

7 Independent Claims 30, 36, and 50 also recite a loader identification and therefore, applicants
8 assert that for at least the reasons noted above for the patentability of Claim 21 over the cited art,
9 each of independent Claims 30, 36, and 50 is patentable over Doyle in view of Held. Since
10 dependent claims are allowable for at least the same reasons as the independent claims from which
11 they depend, applicants further assert that Claims 31-35, and Claims 37-49 are all patentable for at
12 least the reasons stated above.

13 In view of the Remarks set forth above, it will be apparent that the claims in this application
14 define a novel and non-obvious invention, and that the application is in condition for allowance and
15 should be passed to issue without further delay. Should any further questions remain, the Examiner
16 is invited to telephone applicants' attorney at the number listed below.

17 Respectfully submitted,
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23 Registration No. 28,829
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